

CITY PLANNING COMMISSION
Austin, Texas
Regular Meeting -- May 1, 1979

The regular meeting of the City Planning Commission was called to order at 5:45 p.m. in the City Council Chambers, 301 West Second Street.

Present

Miguel Guerrero, Chairman
Leo Danze
Mary Ethel Schechter
Sally Shipman
Bernard Snyder
Bill Stoll
Jim Vier

Also Present

Tom Knickerbocker, Assistant Director of Planning
Evelyn Butler, Supervising Planner
Betty Baker, Planner
Ouida Glass, Senior Secretary

Absent

Freddie Dixon
Sid Jagger

ZONING

The following cases were heard on a consent motion: Staff Recommendation:

C14-79-068	Bradfield, Cummins & Shepherd (by Bryant-Currington, Inc.) 9241-9269 Research Blvd.	From: Interim "A", 1st H&A To: "D", 2nd H&A To DENY DL, 2nd H&A but to RECOMMEND DL, 1st H&A on the southernmost 100 feet fronting the access road and DL, 2nd H&A on the remainder.
C14-79-075	Edwayne Preistmeyer & Jerry Holley (by G.W. Thompson) 722 Morrow Street	From: "C", 1st H&A To: "C-1", 1st H&A RECOMMENDED
C14-79-077	Jonas Silberstein and Howard & Lois Okon (by Charles Marsh) 1213 Parkway	From: "A", 1st H&A To: "O", 1st H&A RECOMMENDED
C14-79-084	City of Austin Planning Department 3594-3616 Duval Road	From: Interim "AA", 1st H&A To: "AA", 1st H&A RECOMMENDED

On a consent motion by Mrs. Schechter, seconded by Mr. Stoll, the Planning Commission approved the above in accordance with staff recommendations.

AYE: Danze, Guerrero, Schechter, Shipman, Snyder, Stoll and Vier.
ABSENT: Dixon and Jagger.

THE CONSENT MOTION PASSED BY A VOTE OF 7-0.

C14-79-067 Everett R. Moore: "A", 1st H&A to "O", 1st H&A
5212 Huisache

Betty Baker discussed the area and the land uses. The staff has recommended to deny "O" Office since there is no precedent for "O" Office zoning on this residential street.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR
Everett Moore, applicant

PERSONS APPEARING IN OPPOSITION
Gerald Kirkpatrick

WRITTEN COMMENTS IN FAVOR
Edith Thompson, 2500 Yosemite

WRITTEN COMMENTS IN OPPOSITION - None

COMMISSION ACTION

COMMISSION VOTE

THE MOTION PASSED BY A VOTE OF 7-0.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN OPPOSITION
Petition - 19 signatures
Mr. and Mrs. Charles S. Bales, 2105 Fortview Road

C14-79-069 Liselotte L. Gambill--continuedCOMMISSION ACTION

Lisa Gambill asked for a temporary postponement. She explained she had contacted all owners of the houses on the Ben White side of Ivy Trail and they all would like to join in a joint change. It was determined to hold the hearing since the request for postponement had just been made. There was discussion of the noise in the area, as well as the traffic. Lisa Gambill explained that she proposed to close off Ivy Trail and to use this property for an arts and crafts shop, stated that she would be happy with "O" if she could not get the "GR". There was discussion of the type of operation proposed and the requirements that would be imposed by the Building Inspection Department. Chet Altus requested that when a dead end street is involved, that persons on that dead end street be notified and stated there is a minor emergency clinic at the end of this dead end street and he would like to see Ben White Boulevard utilized with a buffer of trees and bushes and that Ivy Trail be closed. He felt Ben White should be zoned commercial. Speaking in opposition, Ester Feuge presented a petition containing signatures of 19 persons in opposition and stated this would increase property values. There was discussion of the noise as well as traffic problems and she stated this street cannot handle any commercial traffic. If the request should be granted, she requested a privacy fence with no openings on to Ivy Trail and no garbage containers. She pointed out that most of these people are on fixed incomes and cannot stand increased property values or taxes and would request the zoning be denied. Gayle Clingingsmith stated these people have been fighting this situation for a number of years. These homes are important to these people. She expressed concern for the quality of the neighborhood and pointed out that this would be the beginning of a series of changes which would drastically alter the character of the neighborhood. Mrs. Shipman stated this is a residential area. It is very well buffered. It is a unique area and does not have to go automatically commercial. Charles Holt stated he is against this zoning request and pointed out that if this zoning request is approved, it would create a domino affect. He stated this is a good residential area that a workingman can afford to live in. He discussed the noise and traffic, but also discussed the buffering and stated they are used to it.

COMMISSION ACTION

Mr. Danze moved to deny the zoning request and to grant "A" Residence, 1st H&A. Mrs. Shipman seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman, Snyder, Stoll and Vier.
ABSENT: Dixon and Jagger.

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-072 V & M Investments: "B", 1st H&A to "O", 1st H&A
(by Richard G. Hardin)
706 and 706½ and a portion of
708 West 23rd Street

Betty Baker discussed the surrounding area and stated that the staff is recommending "O", Office, 1st H&A as requested be granted to accommodate overflow parking from the apartment project across the street.

PERSONS APPEARING IN FAVOR

Richard Hardin
Steven Deutchman
Betty Phillips - Concerns

PERSONS APPEARING IN OPPOSITION

Cherie Deutchman, 2208 Pearl Street

COMMISSION ACTION

Richard Hardin, representing the applicant, requested the zoning change on two parcels in order to provide parking for a large 100-unit apartment complex going in across the street. He stated there is adequate parking in accordance with the City code, but they wish to provide additional spaces, pointing out that parking is a problem in the area and this is an attempt to solve it. Mrs. Schechter asked if applicant would be willing to offer a restrictive covenant for parking only and if there is any other use than parking, that it come back to the Planning Commission for a change. Mr. Hardin declined to agree, stating he did not feel a restrictive covenant is appropriate. Steven Deutchman discussed the parking problem in the University area and felt this would help the problem. He also did not see a need for the restrictive covenant and expressed favor with the change of zoning as proposed. Betty Phillips, representing the Save University Neighborhood Association, expressed concerns. She felt this to be a doomed parcel and that office use would be highest and best use for the tract. She presented a document containing 153 signatures in opposition to the LR zoning. She was concerned that this could be a long-term speculative zoning change and questioned the uses that could be obtained with a special permit if the zoning were changed. She did not object to the "O", but requested to go on record or have a restrictive covenant or statment that this zoning change does not include the right to apply for "LR" with a special permit. She felt that the long-term and least damaging would be some sort of office use but would like guarantee that they will not be applying for more intensive uses. Mrs. Shipman expressed concern for more intensive uses and stated this area is overzoned, that office use and parking would be an asset to the neighborhood.

COMMISSION VOTE

Mrs. Shipman moved to grant "O" Office, 1st H&A, but the record to reflect that the Planning Commission is concerned that any land use more intensive than "O" for this particular site would be not in the best interest of the community. Mr. Stoll seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman, Snyder, Stoll and Vier.
ABSENT: Dixon and Jagger.

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-076 Walter Eskew: Interim "AA", 1st H&A to "LR", 1st H&A
(by Tom Carlson)
7608-7612 Brodie Lane

Betty Baker presented the preliminary subdivision of this tract and discussed the previous zoning patterns in the area. She explained that the staff recommends denial of the LR, 1st H&A and recommends "A", 1st H&A. This recommendation reflects past zoning actions by the City Council and discourages strip zoning.

PERSONS APPEARING IN FAVOR

Tom Carlson, representing applicant

PERSONS APPEARING IN OPPOSITION - None

COMMISSION ACTION

Tom Carlson, representing applicant, presented a site plan and discussed the proposed development for the area. He explained this site will be for a convenience store in the planned subdivision and that the owner is willing to submit a site plan. He emphasized that this was planned with the entire subdivision, the site has a particular use, and felt the community needs it.

COMMISSION VOTE

Mr. Snyder moved to grant "LR" Local Retail, 1st H&A, subject to the site plan as submitted. Mr. Stoll seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman, Snyder, and Stoll.
ABSENT: Dixon and Jagger.
ABSTAINED: Vier.

THE MOTION PASSED BY A VOTE OF 6-0-1.

C14-79-078 Mrs. Sue I. Reasoner: "C" and "A", 1st H&A to "C" and "O",
(by Elaine Clarie Brooks) 1st H&A
2406 Bluebonnet

Betty Baker discussed the area and the land uses. Applicant has requested "C" Commercial and "O" Office in order to have an "O" Office buffer to the property to the north. The staff is recommending to deny "C" Commercial, 1st H&A and "O" Office, 1st H&A, but to grant "O" Office, 1st H&A with a five-foot strip of "A" Residential and fence on the north and west boundaries of this tract to buffer the existing residential uses.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Elaine Brooks, representing owner

PERSONS APPEARING IN OPPOSITION - None

C14-79-078 Mrs. Sue I. Reasoner--continued

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION
B.C. Ahrens, 2405 Ann Arbor

COMMISSION ACTION

Elaine Brooks, representing the owner, explained there is a contract to sell pending contingent on getting the "C" zoning. The buyer would like to put in a small office building and warehouses. She stated the two adjoining owners have expressed no opposition to the zoning change and felt that the "O" buffer would protect the single-family residences. Mrs. Shipman expressed concern for the impact this would have on the entire neighborhood which is clearly defined as residential and this would be incompatible. She felt the zoning should remain as it is; that this would set a most unfortunate precedent.

COMMISSION VOTE

Mrs. Shipman moved to deny the zoning change. Mrs. Schechter seconded the motion. There was discussion of the site and applicant felt that no one would build adjacent to the motel and felt that this would be a great improvement over what is there now. Mr. Snyder offered a substitute motion to deny "C" Commercial, 1st H&A and "O" Office, 1st H&A, but to grant "O" Office, 1st H&A with a five-foot strip of "A" Residential and fence on the north and west boundaries of this tract to buffer the existing residential uses subject to the site plan being approved by the Planning Commission as had been agreed to by the applicant. Mr. Vier seconded the substitute motion.

AYE: Danze, Guerrero, Schechter, Shipman, Snyder, and Vier.
NAY: Stoll.
ABSENT: Dixon and Jagger.

THE MOTION PASSED BY A VOTE OF 6-1.

C14-79-080 Odas Jung: Interim "A", 1st H&A to "GR", 1st H&A
 (by Tom Curtis)
 6409-6725 Congress Avenue
 100 Block East William Cannon Drive
 6408-6710 Circle S Road

Betty Baker discussed the area and the land uses. The staff would recommend denial of "GR" General Retail, 1st H&A, but would recommend "GR", General Retail, 1st H&A for the tract to the south of William Cannon Drive; "GR" General Retail, 1st H&A for a depth of approximately 412 feet for the property north of William Cannon Drive; and "O" Office, 1st H&A for the remainder of the subject tract. She explained that the applicant should be instructed to check with the Urban Transportation as to curb cut limitations on Congress Avenue and limited access to Circle S.

THE CONSENT MOTION PASSED BY A VOTE OF 7-0.

C14-79-082 Frankie R. Melder: "A", 1st H&A to "O", 1st H&A
(by Tom Curtis)
1107 Edgewood Avenue

Betty Baker discussed the area and the land uses. The staff is recommending denial of the "O" Office, 1st H&A, but recommends "O" Office with a five-foot strip of "A" Residential at the north portion of the lot fronting Edgewood, therefore, the applicant would have to provide access to the property from IH-35 access.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Tom Curtis, attorney representing applicant

PERSONS APPEARING IN OPPOSITION

Jim Christianson - Concerns

WRITTEN COMMENTS IN FAVOR

Oscar Menn, 3307 Robinson Avenue

Petition with 21 signatures - In Favor or Not Opposing

WRITTEN COMMENTS IN OPPOSITION

Mrs. Florine Rogers, 3211 Hollywood

Mrs. Mary E. Teeke, 3214 Dancy

George Majewski, 3300 Hollywood

COMMISSION ACTION

Tom Curtis, representing applicant, expressed agreement with the recommendations of the staff. He stated the applicant agrees to limiting the access to IH-35 in order that there will be no access off Edgewood, as well as no parking on Edgewood. This will be used as office property. He presented a petition showing 75 percent of the persons living in the immediate area in favor or not opposing the request. Jim Christianson expressed concern for what the "O" zoning would allow. He agreed that the use would enhance the neighborhood but questioned what would happen if the business failed and requested a restrictive covenant that should the business fail, the property would revert back to the original zoning.

COMMISSSTION VOTE

Mr. Stoll moved to approve staff recommendations, to deny "O" Office, 1st H&A, but to grant "O" Office, 1st H&A with a five-foot strip of "A" Residential at the north portion of the lot fronting Edgewood. Mr. Vier seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman, Snyder, Stoll and Vier.

ABSENT: Dixon and Jagger.

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-085 Sol Smith: "B", 2nd H&A to "O", 2nd H&A (as amended)
 (by Dave Brunovsky)
 505-509 West Lynn
 1509-1511 West Sixth Street
 508 Powell

Betty Baker discussed the surrounding area and the land uses. The staff would recommend denial of the "LR" Local Retail, 2nd H&A and recommends "O" Office, 2nd H&A, subject to six feet of right-of-way for the property fronting on Powell Street and the right-of-way necessary that is being determined on West Lynn.

PERSONS APPEARING IN FAVOR

Al Nutter, architect for the project

COMMISSION ACTION

Al Nutter, architect and partner of the project, discussed their proposed plans and the need for "O", 2nd H&A. They objected to the 25-foot setback from the street and explained they could maintain the character of the neighborhood with the "O", 2nd and would have more area to use on the site for parking. He explained this is not a problem with height, it is a setback problem. Mrs. Shipman asked if he would be willing to offer a restrictive covenant to limit the height to 35 feet and the applicant so agreed.

COMMISSION VOTE

Mrs. Shipman moved to accept the restrictive covenant as volunteered by the applicant to limit all structures to a height no greater than 35 feet and to grant "O" Office, 2nd H&A. Mrs. Schechter seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman, Snyder, and Stoll.

ABSENT: Dixon and Jagger.

OUT OF THE ROOM: Vier.

THE MOTION PASSED BY A VOTE OF 6-0.

HISTORIC ZONING

C14h-77-011	Judge Sebron Sneed Home:	Interim "A", 1st H&A to
	1703 North Bluff Drive	<u>Interim "A-H", 1st H&A</u>
	(By Mrs. E.C. Chamness)	

Betty Baker presented the staff report and showed slides of the structure, stating that the house was built in 1854 and has 12 rooms. The third floor was built for a ballroom and storage and the architect was Abner Cooke. This is the third structure in approximately 200 which have been considered which meets all 13 criteria for historic zoning. She explained the structure is on a tract of land consisting of approximately 97 acres and the area to be zoned is approximately 50 feet around the house and 900 square feet for the cemetery, or approximately one-half acre.

PERSONS APPEARING IN FAVOR

Odas Jung
Jack Cashin
Mrs. Odas Jung
Ina Ray Smith
Margaret Cashin

PERSONS APPEARING IN OPPOSITION

William Karcher

COMMISSION ACTION

Mrs. Shipman asked about the suit to determine legal ownership and it was explained that the legal ownership has now been determined. William Karcher is the owner and has a clear title. Odas Jung stated he was familiar with the place and felt it is not too much to ask to preserve a half acre of pure history out of a tract of approximately 97 acres. He pointed out that it has architectural value that can never be reproduced in any way. He felt it should be preserved. Jack Cashin, speaking in favor of the request, explained that his wife is a descendant of Judge Sneed. He felt that regardless of the ownership, the structure is a historic house. It is a unique house and recommended that historic zoning be granted. Mrs. Odas Jung stated her great uncle owned this home for many years and she would like to see the structure kept and renovated. She explained that the cemetery also is very old and she would hate to see any of it destroyed. Margaret Cashin spoke for many members of their family, all of whom would like to see the structure zoned historic. Speaking in opposition, William Karcher stated he did have a clear title and was now the absolute owner of the property. He requested a postponement or continuation for 120 days in order to retain legal counsel and to prepare a detailed presentation. He was not in objection to historic zoning as such, but wanted more time before a decision is reached on this structure. Mr. Vier asked him about his present plans for the house and Mr. Karcher stated it would take time to see what could be done and he pointed out that the structure needed much work. Mrs. Shipman replied that the structure meets all 13 of the criteria for historic zoning. Mr. Snyder asked Mr. Karcher if he was aware of his legal rights. There was discussion of the legal rights of the owner, also discussion of whether or not the request should be postponed. Mr. Karcher stated that he would oppose the historic zoning if the case is not postponed.

C14h-77-011 Judge Sebron Sneed Home -- continued

COMMISSION ACTION

Mr. Snyder moved to continue the request for 30 days. Mr. Vier seconded the motion. Mr. Guerrero stated he did not see anything changing in the next 30 days, but felt the applicant should have an opportunity to work with legal counsel. Mr. Stoll stated he did not feel there is any lack of information; the owner now owns a structure that is zoned historic and offered a substitute motion to recommend to the City Council that the structure be zoned historic as a result of the finding of fact of Items A through M as recommended by the Historic Landmark Commission. Mrs. Schechter seconded the substitute motion. Mrs. Shipman offered a friendly amendment that the structure area also be zoned permanent A. There was discussion of the change to permanent zoning, as well as the notification procedure. Mr. Stoll then withdrew his substitute motion. Mrs. Shipman expressed concern for the interim zoning, but did feel the historic status to be appropriate and recommended further that the site be permanently zoned with all due speed.

Mrs. Shipman then offered a substitute motion that the Planning Commission uphold the findings of fact of the Historic Landmark Commission as noted in Items A, B, C, D, E, F, G, H, I, J, K, L, and M and recommend historic zoning to the City Council and that the Planning Commission further request the staff to instigate permanent "A" Zoning for the property on which the house and cemetery are located. Mrs. Schechter seconded the substitute motion. The Commission voted to consider the substitute motion.

AYE: Danze, Guerrero, Schechter, Shipman, and Stoll.
NAY: Snyder and Vier.
ABSENT: Dixon and Jagger.

THE SUBSTITUTE MOTION PASSED BY A VOTE OF 5-2.

C14h-79-003 McGary-Thiele House: "A", 1st H&A to "A-H", 1st H&A
(by City of Austin)
4712 Bull Creek Road

Betty Baker explained that this structure was built around 1859, has 18-foot ceilings and rock walls 18 inches thick. It has four fireplaces and the hall or dog run is 40 feet in length and ten feet wide. She explained that this is a vanishing style and is the only structure in northwest Austin with such distinctive architectural and historical significance.

PERSONS APPEARING IN FAVOR

Suzanne Smith Saulniers, Historic Landmark Commission
Ina Ray Smith, Historic Landmark Commission
Betty Phillips, Historic Landmark Commission
Al Taniguchi, concerns

PERSONS APPEARING IN OPPOSITION

James Scott, Trustee of the Highland Village Church of Christ

C14h-79-003 McGary-Thiele House -- continued

COMMISSION ACTION

Suzanne Smith Saulniers, a member of the Historic Landmark Commission, spoke in favor of the request and pointed out that it meets a substantial number of the criteria. She felt it would be very representative of historic zoning for that section of Austin. Ina Ray Smith, also a member of the Historic Landmark Commission, discussed previous owners of the structure, and urged the historic zoning be approved. Betty Phillips, another member of the Landmark Commission, explained that Betty Baker and she had visited with the members of the church to discuss at length the pros and cons of historic zoning. She felt the structure to be quite significant and stated it is one of the few remaining examples of that type of farmhouse. She felt that possibly the house could be moved if the church had a need for the site and felt the Landmark Commission would be willing to work with the church if the need should arise. Speaking in opposition, James Scott, a trustee of the Highland Village Church of Christ, distributed a written statement requesting the zoning recommendation be withdrawn and the building remain in its current status. He discussed the building is now being used as Bible study classrooms and fellowship purposes and that the land is planned to be used in the future with the adjoining building. Historic zoning would adversely effect the plans for changes and would jeopardize financing of any such needed changes. They do not want to purchase additional land and he discussed the land values in the immediate area and pointed out that they are on good terms with their neighbors. He stated this would create a hardship for the church and requested that the zoning change be withdrawn. He explained they did not want the historic zoning while they owned the structure and would prefer that the historic zoning be done after the structure is removed from the site. There was discussion of how the structure might be moved from the site and retain the historic designation, as well as how it might be incorporated into plans for the church. Al Taniguchi stated he was not speaking either for or against the requested zoning at this time, but expressed concern for moving historic structures and explained that to move them takes away a certain amount of the significance when placed in a new setting. He wondered if perhaps the needs for the church expansion might be met without removing the building and pointed out there is a lot of land that could be utilized.

COMMISSION VOTE

Mr. Stoll felt the Landmark Commission would favorably work with moving the structure if need be and moved that based on the information presented the structure be zoned historic in accordance with the findings of fact A, C, E, G, H, I, K, L, and M of the criteria. Mrs. Schechter seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman and Stoll.
NAY: Snyder.
ABSTAINED: Vier.
ABSENT: Dixon and Jagger.

THE MOTION PASSED BY A VOTE OF 5-1-1.

Planning Commission--Austin, Texas

May 1, 1979

SUBDIVISIONS

R105-79 Subdivision Memorandum

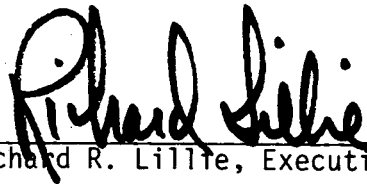
Short Form and Final Subdivisions as listed
on the Subdivision Memorandum. Action taken
at the meeting.

The Planning Commission considered the items listed on the Subdivision Memorandum and took the action as indicated.

AYE: Danze, Guerrero, Schechter, Shipman, Snyder, Stoll, and Vier.

ABSENT: Dixon and Jagger.

The meeting adjourned at 8:40 p.m.



Richard R. Lillie, Executive Secretary

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